

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

AXIS SURPLUS INSURANCE
COMPANY,

PLAINTIFF/COUNTER-DEFENDANT,

v.

HOLT LUNSFORD COMMERCIAL,
INC. AND WF TOWER-DALLAS, LLC,

DEFENDANTS/COUNTER-PLAINTIFFS.

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CIVIL ACTION No 3:21-CV-00917-S

DEFENDANTS/COUNTER-PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW HOLT LUNSFORD COMMERCIAL, INC. ("Holt") and WF TOWER-DALLAS, LLC ("Tower") (collectively, "Counter-Plaintiffs") and file this, their Motion for Summary Judgment, and would respectfully show the Court, as follows:

I.

Summary

Counter-Plaintiffs move for summary judgment on their counterclaims for breach of contract, breach of the duty of good faith and fair dealing, breach of the Texas Insurance Code, and breach of the Texas Deceptive Trade Practices Act. Each of the required matters setting forth the elements of each claim will be set forth in the Counter-Plaintiffs' Brief in Support of Motion for Summary Judgment, which is being filed simultaneously with this motion.

II.
Prayer

Counter-Plaintiffs pray that upon review of the Motion and Brief in Support of Motion for Summary Judgment, that they be granted judgment in their favor on all counterclaims.

Respectfully submitted,

AYERS & AYERS

By: /s/ Jonathan P. Ayers

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HOLT LUNSFORD COMMERCIAL, INC.
and WF TOWER-DALLAS, L.L.C.**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was e-filed through the Court's ECF System with a copy automatically routed to all counsel of record on January 12, 2023.

/s/ Jonathan P. Ayers

JONATHAN P. AYERS